

FEE TRANSMITTAL for FY 2003

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
\$1,130.00

Complete if Known

Application Number: 09 451,641
Filing Date: November 30, 1999
First Named Inventor: Gao, D.
Examiner Name: S. Tran
Group Art Unit: 1615
Attorney Docket No: C-31691 US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account
Deposit Account Number: 19-1025
Deposit Account Name: Pharmacia Corporation

The Commissioner is authorized to check all that apply:

☒ Charge fee shown on bill ☒ Check any overpayments
☒ Other any additional fees including the penalty of this application
☐ Other as shown on dated bill except for the filing fee
If that is the case, please explain:

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description | Fee Paid |
|---------------------------|---------------------------|------------------------|----------|
| 1001 250 | 2001 375 | Utility filing fee | |
| 1002 330 | 2002 165 | Design filing | |
| 1003 520 | 2003 260 | Plant filing fee | |
| 1004 750 | 2004 375 | Re-issue filing | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | (\$) |

2. EXTRA CLAIM FEES FOR UTILITY AND

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | 20** | 0 X | 0.00 |
| Independent Claims | 3** | 0 X | 0.00 |
| Multiple Dependent | | | |

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description | Fee Paid |
|---------------------------|---------------------------|--|----------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 84 | 2201 42 | Independent claims in excess of 3 | |
| 1203 280 | 2203 140 | Multiple dependent claim, if not paid | |
| 1204 84 | 2204 42 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | (\$) |

**or number previously paid, if greater. For Re-issues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description | Fee Paid |
|---------------------------|---------------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 2053 65 | Non-English specification | |
| 1811 2500 | 2812 1250 | Early filing a request for expedited examination | |
| 1804 900* | 2805 450* | Requesting publication of SIR prior to Examination | |
| 1805 1840* | 2806 920* | Requesting publication of SIR after Examination | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 410 | 2252 205 | Extension for reply within second month | |
| 1253 930 | 2253 465 | Extension for reply within third month | 950.00 |
| 1254 1450 | 2254 725 | Extension for reply within fourth month | |
| 1255 1970 | 2255 985 | Extension for reply within fifth month | |
| 1401 320 | 2401 160 | Notice of Appeal | |
| 1402 320 | 2402 160 | Filing a brief in support of an appeal | |
| 1403 280 | 2403 140 | Request for oral hearing | |
| 1451 1510 | 2451 755 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revise - unilateral | |
| 1453 1300 | 2453 650 | Petition to revise - unilateral oral | |
| 1501 1300 | 2501 650 | Utility issue fee (or reissue) | |
| 1502 470 | 2502 235 | Design issue fee | |
| 1503 650 | 2503 325 | Plant issue fee | |
| 1460 130 | 2460 65 | Petitions to the Commissioner | |
| 1807 50 | 2807 25 | Processing fee under 37 CFR § 1.17(b) | |
| 1806 180 | 2806 90 | Submission of Information Disclosure Statement | 180.00 |
| 8021 40 | 2802 20 | Recording each patent assignment per property times number of properties | |
| 1809 750 | 2809 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 750 | 2810 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 750 | 2801 375 | Request for Continued Examination (RCE) | |
| 1802 900 | 2802 450 | Request for expedited examination of a design application | |

Other fee (Specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
\$1,130.00

SUBMITTED BY

Name (Print Type): James C. Forbes
Signature: *James C. Forbes*

Registration No. 39,457
Attorney, Agent

Complete if applicable

Telephone: 847-581-6090
Date: October 27, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public, which is to file an application with the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Office of Information Policy, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199; 1-800-786-9199; and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gao, D. *et al.*) ATTORNEY DOCKET NO.: C-3169-1
)
SERIAL NO.: 09-451,641) GROUP ART UNIT: 1615
)
FILED: November 30, 1999) EXAMINER: S. Tran

TITLE: CELECOXIB COMPOSITIONS

DATE: October 27, 2003

**BY HAND DELIVERY TO USPTO
FOR THE ATTENTION OF EXAMINER SUSAN TRAN, UNIT #1615**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME

Applicant hereby makes petition for extension of time of three months for response to the Office Action dated May 20, 2003 in the above-referenced application. A shortened statutory period of three months was set. In connection with this petition, please charge \$950.00 or the sum required under 37 C.F.R. § 1.17(a)(3) to Deposit Account No. 19-1025.

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement (IDS) is filed in accordance with the duty of disclosure under 37 C.F.R. § 1.56 and §§ 1.97-1.98, as supplemented by MPEP § 609. Presentation of documents listed on enclosed Form PTO-1449 is not an admission that any listed document is prior art under the Patent Statutes and the right is reserved to antedate any material described in the listed documents by a showing under 37 C.F.R. § 1.131 or otherwise.

This IDS supplements those submitted on March 24, 2000, October 17, 2001, April 26, 2002, July 10, 2002 and February 18, 2003 and is filed under the provisions of 37 C.F.R. § 1.97(e) accompanied by authorization to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 19-1025.

WO 00/15195 was cited (as Japanese Patent Publication No. 2002-5424492A) in an

action by the Japanese patent office. It is noted that neither WO 00/15195 nor its priority document (Danish Patent Application No. 981143) is available as prior art to the present application under 35 U.S.C. § 102(e), as can be established by applying the guidelines of MPEP § 706.02(f)(1).

All documents submitted herewith except WO 00/15195 were cited in oppositions of counterparts of the present application in Israel and at EPO. Of these documents, Basit *et al.* (2001) has a publication date later than the priority date of the present application. To the best of Applicant's belief none of the art cited in the remaining 29 documents is closer to the present invention than art already of record.

The following documents are in a language other than English and Applicant is not in possession of an English language translation of these.

EP 0 256 933 appears to relate to a granular formulation of fenofibrate, an antihyperlipoproteinemic agent, having a fenofibrate particle size not greater than 50 μm .

EP 0 330 532 is believed to be a counterpart of US 4,895,726, also presented herein, and appears to relate to a gelatin capsule formulation containing co-micronized fenofibrate and solid surfactant, having a mean particle size of the co-micronized mixture of less than 15 μm .

Bauer *et al.* (1991) appears to disclose, on page 104, a table of particle sizes and, on page 203, a general discussion of micronization of drugs.

List (1985) appears to provide a general discussion of dissolution rate.

Voigt (1984) appears to provide a general discussion of drug dissolution.

Applicant regrets that some of the documents provided herewith are poor-quality copies, but they are the best copies presently available to Applicant, and all are legible.

COMMENTS ON INTERVIEW ON OCTOBER 23, 2003

Applicant appreciates the courtesy shown to the undersigned by Examiner Tran and Supervisory Examiner Page in a personal interview in the present matter on October 23, 2003. Applicant agrees that the Interview Summary prepared by the Examiner is an accurate record of the substance of the interview, but adds that it was agreed that rejoinder of method of use claims (Claims 72-75) would be accepted by the Examiner. It was further agreed that Claims 84-90, being composition claims dependent from Claim 1, should be considered together with Claims 1-50 instead of with the process claims (Claims 76-83 and 91-94) as in the Office Action dated

May 20, 2003.

By amendment as proposed herein, the claims are put in condition for immediate allowance as agreed during the interview, subject to the Examiner's review of the art cited in the IDS submitted herewith. The Examiner agreed to call the undersigned upon receipt and consideration of the present amendment and response.

In compliance with the format for amendments now required, an amendment follows, beginning on a separate page.